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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,848	05/04/2001	Kenneth Mark Hunsinger	RSW920010087US1	9842

7590 05/24/2004

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EXAMINER

BANANKHAH, MAJID A

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/849,848	HUNSINGER ET AL.	
	Examiner	Art Unit	
	Majid A Banankhah	2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to application filed on May 04, 2001. Claims 1-21 are considered for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-21 are ejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Evidence that claims 1-21 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the specification. In there, applicant has stated "a technique wherein an EMS can programmatically append newly-defined or different capabilities to previously-generated events", and this statement indicates that the invention is different from what is defined in the claim(s) because, in the independent claims (1, 11, 16, and 21), the claims recites "evaluating each stored event to determine if a new or different capability is available, and programmatically appending the new or different capability to the stored event if so". The invention is directed to appending new or different capability to the event (such as presenting visible warning to system operators, triggering automated execution of code to perform various tasks, and so forth, See specification, page 2, lines 18-20). In the claim however, determination is made as to whether capability is available from the event, and if so, it is added to the event. The capability is a property, which may be available to the EMS (see specification, page 4,

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lines 1-2). While here the event is evaluated to see if there is any new capability and if so, the capability is added to the stored event. In short, if capability is available by evaluating the event, then there should be no need to append that to the stored event. Therefore, it is even in contradiction to the last phrase in the claim: i.e. **"to take advantage of the capabilities of the management system"**. Which indicate management system should be evaluated.

Claims 3, 13, and 18 are confusing because in claim 1, 11, and 16 the events are stored and the capabilities are appended to the events, which are stored to the stored event (See claim 1, lines 5-6) as part of the stored event. Here however, it is unclear why they are restored prior to the operation of the "subsequently programmatically ..." when they are stored already.

Claims 2-10, 12-15, 17-20 are rejected for the rejection of their parent claim.

Claim Rejections - 35 USC § 103

3. Following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vrenjak (U.S. Pat. No. 5,063,523, hereinafter Vrenjak).

While claims 1-21, were rejected under 35 USC 112, second paragraph as stated above (Section 2, *supra*), in order to advance prosecution, claims will be treated on the merits in view of examiner's best understanding of the disclosure and the prior art.

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Per claims 1, 11, 16 and 21 a method of recycling events to take advantage of capabilities of a management system (Vrenjak, US Pat. No. 5,063,523), comprising steps of: receiving one or more events (receiving event message from a network, col. 2, lines 15-19); storing the received events in an event repository (col. 3, lines 4-19, event table, which should be stored on memory); evaluating each stored event to determine if a new or different capability is available (col. 1, lines 58 to col. 2, line 5, event messages, attribute is compared), and programmatically appending the new or different capability to the stored event if so; and subsequently programmatically invoking processing of the appended new or different capabilities (SCRIPT containing command is invoked, col., 1 line 58- to col. 2, line 5).

Vrenjak fails to teach of "thereby recycling the stored events to take advantage of the capabilities of the management system without requiring change to applications generating the stored events and without requiring new events to be generated".

However, it is well known in the art that generating event creates overhead and requires memory and execution time. Therefore, it would have been obvious for a person ordinary skill in the art at the time the invention was made to generate least number of events if possible in order to reduce overhead and increased efficiency.

Per claims 2, 7, 12, 14, 17, and 19 claims are rejected for the reasons stated in the rejection of Claim 1, and further "wherein a flag indicates whether the appended new or different capability for a selected stored event has been processed" is well known in the art. Setting a Boolean flag after an execution of a code or an event is well known because

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it gives an indication that the event has been processed or not processed (because it is Boolean) and increase efficiency by not re-executing the event again.

Per claims 3, 13, and 18, the method according to Claim 1, further comprising the step of re-storing the evaluated event and the programmatically appended new or different capability in the event repository prior to operation of the subsequently programmatically invoking step, the step of storing is taught by Vrenjak in col. 3, lines 4-19, event table, which should be stored on memory since the rules are stored in memory as they can be edited by the rule editor.

Per claim 4, the method according to Claim 1, wherein selected ones of the appended new or different capabilities comprise a name of an executable task and wherein the subsequently programmatically invoking step comprises executing the task. The add rule function, rule identifier and name of the SCRIPT that is to be executed is taught by Vrenjak in col. 5, lines 6-34.

Per claim 5, the method according to Claim 1, wherein selected ones of the appended new or different capabilities comprise a rule to be added to a rule base server and wherein the subsequently programmatically invoking step comprises evaluating the rule by the rule base server. The add rule function is described in col. 5, lines 6-34, and any of the network objects can function as a rule base server.

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Per claim 6, the method according to Claim 1, wherein selected ones of the appended new or different invoking step comprises determining if a rule associated with that property name and value exists in a rule base and evaluating the rule if so. The evaluation of the rule is taught by Vrenjak in col. 4, lines 7-20 (event message may match many event rules resulting in actions to be taken).

Per claims 8, 15, and 20 the method according to Claim 1, wherein a precondition for the subsequently programmatically invoking step comprises determining whether an appended new or different capability is present on a selected event and determining that the appended new or different capability has not already been performed. The event manager perform the task of event monitoring and is taught by Vrenjak in col. 4, line 62-68, and col. 11, lines 52-67.

Per claim 9, the method according to Claim 1, wherein the evaluated stored event has been previously annotated to reflect one or more capabilities of the management system. The format and description of the event is described in col. 3, line 65 to col. 4, line 6.

Per claim 10, the method according to Claim 9, wherein the programmatically appending further comprises overwriting the previous annotation. It is well known in the art that in the art of programming, it is best to overwrite a test for the reason that it reduces fragmentation of the memory. The function of copy and modify also is described in col. 5, line 62 to col. 6, line 5.

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Majid A. Banankhah** whose voice telephone number is **(703) 308-6903**. A voice mail service is also available at this number.

All response sent to U.S. Mail should be mailed to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

**Hand-delivered responses should be brought to Crystal Park Two, 2021
Crystal**

Drive, Arlington, VA, Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses to the Examiner.

All Formal or Official Faxes must be signed and sent to either (703) 308-9051 or (703) 308-9052. Official faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the office, e.g., Finance Division for fee charging, etc.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Maid Banankhah

5/17/04


MAID BANANKHAH
PRIMARY EXAMINER